IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 27158 of 2007(G)

PETITIONER:

KARUPPAN.A., PATTARUKADAVIL HOUSE,
VADUTHALA, KOCHI-23.

BY ADV. SRI.ASOK M.CHERIAN

RESPONDENTS:

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1. **THE COCHIN PORT TRUST,**
   REPRESENTED BY ITS SECRETARY
   WILLINGDON ISLAND, KOCHI.

2. **THE CHAIRMAN,**
   COCHIN PORT TRUST,
   WILLINGDON ISLAND, COCHIN - 682 009.

3. **THE DEPUTY SECRETARY,**
   COCHIN PORT TRUST,
   WILLINGDON ISLAND, KOCHI.

BY ADV. SRI.A.M.SHAFFIQUE, SC
SRI.E.K.NANDAKUMAR
SRI.A.K.JAYASANKAR NAMBIAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).NO.27158 of 2007

Dated this the 31st day of October, 2007

JUDGMENT

On consent of both sides, the writ petition is taken up and is disposed of on merits.

2. The petitioner challenges Ext.P6 communication issued by the Port Trust, rejecting the petitioner's request for counting his casual service for pensionary benefits. In Ext.P6, the Deputy Secretary of the Cochin Port Trust states that the petitioner's representation has been examined in detail and it is noticed that the casual service period did not attain 720 days within a period of three years before or after 1.4.1969, and therefore the petitioner's request deserves no merit.

3. The significance of 1.4.1969 and the completion of 720 days is relatable to Ext.P2 circular dated 23.7.1973 which records a resolution passed by the Cochin Port Trust on 13.2.1970 in the matter of absorption of casual workmen into regular service.

4. A statement has been filed by the respondents, as directed by this Court. In the said statement, details of the engagement of the petitioner from 15.6.1955 till his

retirement on 31.5.1987 are given as hereunder:

15.9.1955 to 5.9.1962 - 1996 days

14.5.1976 to 28.5.1976 - 13 days

6.12.1976 to 9.4.1977 - 97.5 days

3.7.1977 to 3.11.1978 - 1 year and 4 months

5. In view of the said statement, it is clear that the petitioner had rendered casual service of 1996 days prior to 1.4.1969. If that be so, the stand taken in Ext.P6 communication does not seem to be correct.

6. Learned counsel for the Cochin Port Trust submits that the petitioner may not be entitled to the benefit of Ext.P2, because the petitioner was not in the services of the Port Trust on the date of Ext.P2. May be this is correct. But I do not think it necessary to express any opinion at this stage, on account of the fact that this contention is not reflected in Ext.P6.

7. After having heard the learned counsel for the petitioner and the learned standing counsel for the Cochin Port Trust, I deem it appropriate to direct the respondents to pass a fresh order on the claim made by the petitioner.

In the circumstances, Ext.P6 is set aside and the second respondent is directed to pass a fresh order on Ext.P5, after hearing the petitioner, within a period of two months from the date of receipt of a copy of this judgment.

V. GIRI, JUDGE

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